

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

Anchorage Field Office  
4700 BLM Road  
Anchorage, AK 99507  
Phone: (907)267-1246  
Fax: (907)267-1267

**DECISION RECORD**

**Sun Never Sets Production**  
**Case File Number: AA-092706**  
**DOI-BLM-AK-A010-2010-0004-CX**

I. Decision:

It is my decision to authorize a Film Permit to Sun Never Sets Production (SNSP), Case File Number: AA-092706, for a period of 1 day. Mitigation measures and stipulations and conditions are attached.

II. Proposed Action:

The proposed action is to authorize a film permit to SNSP for filming of vehicles traveling on existing roads and trails within the Knik River area. The film permit would be authorized under the authority of Title III of the Federal Land Policy Management Act of 1976 (43 U.S.C. 1732). The proposed action is in conformance with the Ring of Fire Resource Management Plan, Approved: March, 2008.

III. Rationale for the Decision:

The rationale for the decision is based on the need of the applicant to film the traversing of Bureau of Land Management administered lands as part of a larger documentary film being produced by SNSP.

The proposed action is in conformance with the Ring of Fire Resource Management Plan, Approved: March, 2008. The area of the proposed activity is not within a critical subsistence use area and no serious wildlife problems are anticipated.

IV. ANILCA Section 810 Compliance:

The proposed action will not significantly restrict subsistence uses. No reasonably foreseeable and significant decrease in the abundance of harvestable resources or in the distribution of harvestable resources, and nor reasonably foreseeable limitations on harvester access will result from the proposed action.

V. Adverse Energy Impact Compliance:

This action has been analyzed as required by Washington Office Instruction

Memorandum 2002-053 to determine if it will cause an adverse impact on energy development. The action will not have an adverse direct or indirect impact on energy development, production or distribution. The preparation of a Statement of Adverse Energy Impact is not required.

VI. Lands With Wilderness Characteristics:

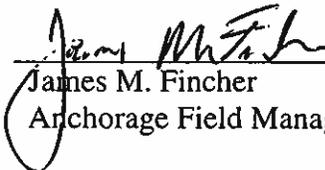
This action has been analyzed for conformance with SO 3310. The lands involved have been found to not have wilderness characteristics thus the proposed action would have no affect on lands with wilderness characteristics.

VII. Consultation and Coordination:

Public participation was accomplished through the development of the Ring of Fire Resource Management Plan which anticipated routine land authorizations in accordance with Title V of FLPMA. Adequate measures to protect public lands through stipulations and required operating procedures are in place. Internal scoping was conducted by AFO staff and included threatened and endangered species, cultural clearances and ANILCA 810 analysis.

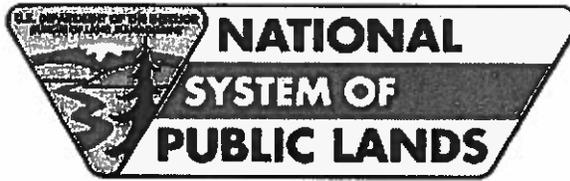
VIII. Compliance and Monitoring Plan:

Compliance and monitoring of this authorization will be conducted by the BLM Anchorage Field Office. Inspection will be made prior to the applicant's use and after the applicant reclaims the land.

  
\_\_\_\_\_  
James M. Fincher  
Anchorage Field Manager

2/25/2011  
\_\_\_\_\_  
Date

Attachments: Terms and Stipulations



**U.S. Department of the Interior  
Bureau of Land Management**

Anchorage Field Office

4700 BLM Road

Anchorage, Alaska 99507

(907) 267-1246

<http://www.blm.gov/ak/st/en/fo/ado.html>

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**Categorical Exclusion  
Sun Never Sets Film Permit**

**Applicant: Sun Never Sets Production**

**Case File Number: AA-92706**

**DOI-BLM-AK-A010-2011-0004-CX**



**Location:**

Sections 5, 6, 7, 8, 9, 10, 14, 15, 23, 24, and 25,  
Township 16 North, Range 4 East, and Section 3, Township  
16 North, Range 3 East,  
Seward Meridian, Municipality and Borough of Anchorage,  
Alaska

**Prepared By:**

Anchorage Field Office

November 2010

## CATEGORICAL EXCLUSION

### A. Background

BLM Office: Anchorage Field Office      Lease/Serial/Case File No: AA-92706  
Environmental Document No: **DOI-BLM-AK-A010-2011-0004-CX**

#### Proposed Action:

The Bureau of Land Management (BLM) would authorize a film permit to Sun Never Sets Production (SNSP) under Title III of The Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761), as amended (FLPMA) to the Sun Never Sets Productions for a short term permit period.

#### Location:

Sections 5, 6, 7, 8, 9, 10, 14, 15, 23, 24, and 25, Township 16 North, Range 4 East, and Section 3, Township 16 North, Range 3 East, Seward Meridian, Municipality and Borough of Anchorage, Alaska (within).

#### Description:

SNSP proposes to create a film segment for Top Gear which would be authorized by this proposed permit, if approved. Top Gear is an Emmy-award winning BBC television series with an estimated worldwide viewership of 350 million people. Top Gear, the History Channel, and BBC Worldwide would produce the show. The segment would provide information on how three (3) specific vehicles would handle the rigors of the Alaskan environment and find out which vehicle would be named the "toughest truck". The film permit would authorized under Title III of FLPMA.

Applicant: Sun Never Sets Productions

### B. Land Use Plan Conformance 43 CFR 1610.5-3(a)

Land Use Plan Name: Ring of Fire Resource Management Plan, Approved: March 2008.

The proposed action is in conformance with plan because it is specifically provided for in the following planning decisions: Lands and Realty, I-1: Goal

Bullet, #2 states "Provide a balance between land use (Right-of-Way, permits, leases and sales) and resource protection which best serves the public at large."

Γ The proposed action is in conformance with the plan even though it is not specifically provided for because it is clearly consistent with the following planning decisions (objectives, terms, and conditions

**C. NEPA Compliance**

The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with United States Department of the Interior 43 CFR §46.210 or United States Department of Interior Manual, Part 516, Chapter 11, and the BLM NEPA Handbook H-1790-1, Appendix 4 p. 151 which provides:

**Realty E-19.**

Issuance of short-term (3 years or less) rights-of-way or land use authorizations for such uses as storage sites, apiary sites, and construction sites where the proposal includes rehabilitation to restore the land to its natural or original condition.

**D. Extraordinary Circumstances**

The following Departmental List of Extraordinary Circumstances apply to individual actions. Departmental instructions mandate that environmental documents must be prepared for actions which may:

	YES	NO
1. Have significant adverse impacts on public health or safety.	_____	_____ X
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.	_____	_____ X
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].	_____	_____ X
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	_____	_____ X

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|-----|---|-------|------------|
| 5.  | Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.   | _____ | X<br>_____ |
| 6.  | Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.   | _____ | X<br>_____ |
| 7.  | Have significant impacts on properties listed, or eligible for listing on the National Register of Historic Places as determined by either the bureau or office.  | _____ | X<br>_____ |
| 8.  | Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.  | _____ | X<br>_____ |
| 9.  | Violate Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.   | _____ | X<br>_____ |
| 10. | Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).  | _____ | X<br>_____ |
| 11. | Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).   | _____ | X<br>_____ |
| 12. | Contribute to the introduction, continued existence, or spread of weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112). | _____ | X<br>_____ |

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances in 43 CFR §46.215 are pertinent.

**E. Signature**

The proposed action is in conformance with a resource management plan, 43 C.F.R. § 1610.8(a)(3) (2006). The Department of the Interior has determined and found that the proposed action is within a category of actions that do not individually or cumulatively have a significant

effect on the human environment and that neither an environmental assessment nor an environmental impact statement is required, 40 C.F.R. §1508.4 (2006).

This action has been analyzed as required by Washington Office Instruction Memorandum 2002-053 to determine if it will cause an adverse impact on energy development. The action will not have an adverse direct or indirect impact on energy development, production or distribution. The preparation of a Statement of Adverse Energy Impact is not required.

This action has been analyzed as required by SO 3310 for potential as Wild Lands. The area was evaluated for Wilderness Characteristics in the Ring of Fire RMP Wilderness Area Inventory and found not to meet with criteria with regard to Naturalness, opportunities for Outstanding Solitude, or opportunities Outstanding Primitive and Unconfined Recreation.

It is therefore my decision to implement the action, as described, with appropriate mitigation measures or stipulations.

Mitigation Measures/Stipulations: (See Attached)

Authorized Official: James M. Fil Date: 2/25/2011

**Terms and Stipulations for Right of Way Film Permit AA-092706**  
**Sun Never Sets Productions**

I. General Terms: During construction, operation, maintenance, and termination of the project you must:

(a) Comply with all existing and subsequently enacted, issued, or amended Federal laws and regulations and state laws and regulations applicable to the authorized use;

(b) Do everything reasonable to prevent and suppress wildfires on or in the immediate vicinity of the right-of-way area;

(c) Not discriminate against any employee or applicant for employment during any phase of the project because of race, creed, color, sex, or national origin. You must also require subcontractors to not discriminate;

(d) Pay monitoring fees and rent (if applicable) as described in 43 CFR §2805.16 and 43 CFR 2806 ;

(e) If BLM requires, obtain, and/or certify that you have obtained, a surety bond or other acceptable security to cover any losses, damages, or injury to human health, the environment, and property in connection with your use and occupancy of the right-of-way, including terminating the grant, and to secure all obligations imposed by the grant and applicable laws and regulations. If you plan to use hazardous materials in the operation of your grant, you must provide a bond that covers liability for damages or injuries resulting from releases or discharges of hazardous materials. BLM may require a bond, an increase or decrease in the value of an existing bond, or other acceptable security at any time during the term of the grant;

(f) Assume full liability if third parties are injured or damages occur to property on or near the right-of-way as specified in 43 CFR §2807.12;

(1) Comply with project-specific terms, conditions, and stipulations, including requirements to:

(2) Restore, re-vegetate, and curtail erosion or conduct any other rehabilitation measure BLM determines necessary;

(3) Ensure that activities in connection with the grant comply with air and water quality standards or related facility siting standards contained in applicable Federal or state law or regulations;

(4) Control or prevent damage to:

- (i) Scenic, aesthetic, cultural, and environmental values, including fish and wildlife habitat;
  - (ii) Public and private property; and
  - (iii) Public health and safety;
- (5) Protect the interests of individuals living in the general area who rely on the area for subsistence uses as that term is used in Title VIII of Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111 *et seq.*);
- (6) Ensure that you construct, operate, maintain, and terminate the facilities on the lands in the right-of-way in a manner consistent with the grant;
- (7) When the state standards are more stringent than Federal standards, comply with state standards for public health and safety, environmental protection, and siting, constructing, operating, and maintaining any facilities and improvements on the right-of-way; and
- (g) Immediately notify all Federal, state, tribal, and local agencies of any release or discharge of hazardous material reportable to such entity under applicable law. You must also notify BLM at the same time, and send BLM a copy of any written notification you prepared;
- (h) Not dispose of or store hazardous material on your right-of-way, except as provided by the terms, conditions, and stipulations of your grant;
- (i) Certify your compliance with all requirements of the Emergency Planning and Community Right-to-Know Act of 1986, 42 U.S.C. 11001 *et seq.*, when you receive, assign, renew, amend, or terminate your grant;
- (j) Control and remove any release or discharge of hazardous material on or near the right-of-way arising in connection with your use and occupancy of the right-of-way, whether or not the release or discharge is authorized under the grant. You must also remediate and restore lands and resources affected by the release or discharge to BLM's satisfaction and to the satisfaction of any other Federal, state, tribal, or local agency having jurisdiction over the land, resource, or hazardous material;
- (k) Comply with all liability and indemnification provisions and stipulations in the grant;
- (l) As BLM directs, provide diagrams or maps showing the location of any constructed facility; and
- (m) Comply with all other stipulations that BLM may require.

II. Stipulations:

- A. Non-Hazardous Solid Waste (trash/refuse) will be back hauled from the area and disposed in an approved waste disposal site;
- B. Fuel Handling and Storage: Fuel shall be stored at least 150 feet from surface waters. Fuel and other petroleum products and hazardous materials shall be stored in containers designed to hold that product, identified with the owner's name, the contents and date of purchase (e.g. NPS, Coleman Fuel, 2010). All fuel spills will be cleaned up immediately, taking precedence over all other matters, except the health and safety of personnel. Spills will be cleaned up utilizing absorbent pads or other Alaska State DEC approved methods. Fuel storage in excess of 55 gallons and/or fuel storage containers that are situated where a spill may reach a water body or watercourse requires secondary containment. Secondary containment is defined as a diked, impermeable impoundment capable of containing 110 percent of the volume of the largest independent container. As soon as possible, but not later than 24 hours, notice of any such discharge as defined in Alaska Statute Title 18, Chapter 75, Article 2, will be given to: The Authorized Officer at 1-800-478-1263. Such other Federal and State officials as are required by law to be given such notice including Alaska Department of Environmental Conservation at (907) 478-9300;
- C. All operations shall be conducted in such a manner as to avoid damage or disturbance to any prehistoric or historic sites or modern camp sites. The Archaeological Resource Protection Act prohibits the excavation, removal, damage, or disturbance of any archaeological resource located on public lands. Violation of this law could result in the imposition of both civil and criminal penalties of the violator. Should any historic or prehistoric site be located during the course of operations under this Right of Way Grant, the applicant shall immediately cease activities and notify the BLM authorized officer;
- D. In order to protect *Douglasia beringensis*, from any adverse impact, the filming activity will not take place if this species is found at the site;
- E. No hazardous materials will be used or stored at the filming site other than in-use fuel for powering vehicles used during the filming. Batteries used in vehicles will be removed from operation of the vehicles and will be properly disposed or recycled off-site. All spills of electrolyte will be reported to the Alaska Department of Environmental Conservation (ADEC) and cleaned-up in accordance with 18 AAC 75.
- F. The United States shall retain all rights stated in 43 CFR 2805.15.

**FORM 1**

**(Wilderness Character review for AA-92706; DOI-BLM-AK-A010-2011-0004-CX )**

**Documentation of BLM Wilderness Inventory Findings on Record**

**1. Is there existing BLM wilderness inventory information on all or part of this area?**

No (Go to Form 2) Yes  (If yes, and if more than one area is within the area, list the names of those areas.):

a) Inventory Source: Ring of Fire RMP Wilderness Area Inventory

b) Inventory Area Name(s)/Number(s): Anchorage Area – Lower Knik River

c) Map Name(s)/Number(s): USGS QUAD Anchorage B-5 AK

d) BLM District(s)/Field Office(s): Anchorage District/Anchorage Field Office

**2. BLM Inventory Findings on Record:**

Existing inventory information regarding wilderness characteristics (if more than one BLM inventory area is associated with the area, list each area and answer each question individually for each inventory area):

Inventory Source: Ring of Fire RMP Wilderness Area Inventory

Area#/Name	Sufficient Size? Yes/No (acres)	Naturalness? Yes/No	Outstanding Solitude? Yes/No	Outstanding Primitive & Unconfined Recreation? Yes/No	Supplemental Values? Yes/No
Lower Knik River	Yes (33,969 acres)	NO	NO	NO	Yes- This unit contains supplemental values such as flood events associated with melting & glacial blockage of the Knik gorge and subsequent blowout of stored waters and

					sediment. These events often sour the river bed and redeposit sediment and gravels along the Knik River bottom.